

CLOSED,STD

**U.S. District Court  
DISTRICT OF ARIZONA (Tucson Division)  
CIVIL DOCKET FOR CASE #: 4:11-cv-00540-DCB**

Leader v. Department of Justice  
Assigned to: Judge David C Bury  
Cause: 05:552 Freedom of Information Act

Date Filed: 08/26/2011  
Date Terminated: 08/21/2012  
Jury Demand: None  
Nature of Suit: 895 Other Statutes:  
Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Kay Patteson**  
*TERMINATED: 10/05/2011*

represented by **John Pepper Leader**  
Leader Law Firm  
698 E Wetmore Rd., Ste. 330  
Tucson, AZ 85705  
520-575-9040  
Fax: 520-575-9340  
Email: [john@leaderlawaz.com](mailto:john@leaderlawaz.com)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**John P Leader**

represented by **John Pepper Leader**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**James M Kovakas**  
*Freedom of Information / Privacy Act*  
*Officer*  
*TERMINATED: 10/05/2011*

**Defendant**

**United States Department of Justice**

represented by **Charles Alexander Davis**  
US Attorneys Office  
405 W Congress St., Ste. 4800  
Tucson, AZ 85701-5021  
520-620-7408  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
08/26/2011	<u>1</u>	COMPLAINT. Filing fee received: \$ 350.00, receipt number 0970-5746695, filed by Kay Patteson. (Leader, John) (Attachments: # <u>1</u> Civil Cover Sheet)(KEP) (Entered: 08/29/2011)
08/26/2011	<u>2</u>	Filing fee paid, receipt number 0970-5746695. This case has been assigned to the Honorable D Thomas Ferraro. All future pleadings or documents should bear the correct case number: 4:11-CV-540-TUC-DTF. Magistrate Election form attached. (KEP) (Entered: 08/29/2011)
09/06/2011	<u>3</u>	Magistrate Election Form Deadline (Attachments: # <u>1</u> Instructions)(LMF) (Entered: 09/06/2011)

09/07/2011	<u>4</u>	SUMMONS Submitted by Kay Patteson. (Leader, John) (Entered: 09/07/2011)
09/07/2011	<u>5</u>	SUMMONS Submitted by Kay Patteson. (Leader, John) (Entered: 09/07/2011)
09/07/2011	<u>6</u>	Summons Issued as to James M Kovakas, United States Department of Justice. (Attachments: # <u>1</u> Summons)(KEP). *** IMPORTANT: When printing the summons, select "Document and stamps" or "Document and comments" for the seal to appear on the document. (Entered: 09/07/2011)
10/04/2011	<u>7</u>	AMENDED COMPLAINT ( <i>FIRST</i> ) against All Defendants, filed by Kay Patteson. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5)(Leader, John) (Entered: 10/04/2011)
10/12/2011	<u>8</u>	NOTICE OF ATTORNEY APPEARANCE: Charles A. Davis appearing for United States Department of Justice. (Davis, Charles) (Entered: 10/12/2011)
10/12/2011	<u>9</u>	STIPULATION FOR EXTENSION OF TIME TO ANSWER COMPLAINT by United States Department of Justice. (Attachments: # <u>1</u> Text of Proposed Order)(Davis, Charles) (Entered: 10/12/2011)
10/12/2011	<u>11</u>	Party Elects Assignment of Case to District Judge Jurisdiction. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LMF) (Entered: 10/14/2011)
10/13/2011	<u>10</u>	ORDER granting <u>9</u> Stipulation For Extension of Time To Answer Complaint : United States Department of Justice answer due 11/14/2011. Signed by Magistrate Judge D Thomas Ferraro on 10/13/11. (SMBE) (Entered: 10/13/2011)
10/14/2011	<u>12</u>	Minute Order: a request has been received for a random reassignment of this case to a District Judge. Case reassigned by random draw to Judge David C Bury. All further pleadings should now list the following COMPLETE case number: 11-CV-00540- TUC-DCB. Judge David C Bury added. Magistrate Judge D Thomas Ferraro no longer assigned to case. (LMF) (Entered: 10/14/2011)
11/14/2011	<u>13</u>	MOTION to Dismiss for Lack of Jurisdiction <i>Motion to Dismiss for Lack of Subject Matter Jurisdiction</i> by United States Department of Justice. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2)(Davis, Charles) (Entered: 11/14/2011)
11/28/2011	<u>14</u>	MOTION for Extension of Time to File Answer re <u>7</u> Amended Complaint ( <i>Second Request</i> ), MOTION to Withdraw <u>13</u> MOTION to Dismiss for Lack of Jurisdiction <i>Motion to Dismiss for Lack of Subject Matter Jurisdiction</i> by United States Department of Justice. (Attachments: # <u>1</u> Text of Proposed Order)(Davis, Charles) (Entered: 11/28/2011)
12/05/2011	<u>15</u>	ORDER withdrawing <u>13</u> Motion to Dismiss for Lack of Jurisdiction; granting <u>14</u> Motion for Extension of Time to Answer for a responsive pleading to be filed by December 8, 2011. Ordered by Judge David C Bury. (DCB2,) (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (Entered: 12/05/2011)
12/08/2011	<u>16</u>	ANSWER to <u>7</u> Amended Complaint by United States Department of Justice.(Davis, Charles) (Entered: 12/08/2011)
12/21/2011	<u>17</u>	ORDER ; Telephone Conference set for 1/31/2012 at 10:00 AM before Judge Bury's law clerk. Joint Case Management Plan due not less than 5 days before the scheduling conference. Signed by Judge David C Bury on 12/16/11. (SMBE) (Entered: 12/21/2011)
01/25/2012	<u>18</u>	*REPORT of Rule 26(f) Planning Meeting by John P Leader, United States Department of Justice. (Leader, John) *Modified to reflect the correct filers on 2/1/2012 (SAT). (Entered: 01/25/2012)
01/31/2012	<u>19</u>	NOTICE re Rescheduling Rule 16 Scheduling Conference by John P Leader . (Leader, John) (Entered: 01/31/2012)
02/27/2012	<u>20</u>	*AMENDED 2/27/2012 to show corrected dates, Doc. 21 – SCHEDULING ORDER: Discovery due by 3/30/2012. Dispositive motions due by 3/30/2012. IT IS ORDERED that this case shall be resolved on a Motion for Summary Judgment. Government shall file the so-called Vaughn index by April 27, 2012; no

		extensions. See attached PDF for complete information. Signed by Judge David C Bury on 2/24/12. (SMBE) Modified on 2/27/2012 (SMBE).* (Entered: 02/27/2012)
02/27/2012	<u>21</u>	AMENDED SCHEDULING ORDER: To reflect correct deadline date(s). Discovery due by 5/30/2012. Dispositive motions due by 5/30/2012. Case shall be resolved on a motion for summary judgment. Government shall file the so-called Vaughn index by April 27, 2012;no extensions. Signed by Judge David C Bury on 2/27/12. (SMBE) (Entered: 02/27/2012)
03/06/2012	<u>22</u>	MOTION for Partial Summary Judgment by John P Leader. (Leader, John) (Entered: 03/06/2012)
03/06/2012	<u>23</u>	STATEMENT of Facts in Support re <u>22</u> MOTION for Partial Summary Judgment by Plaintiff John P Leader. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2 – Part A, # <u>3</u> Exhibit 2 – Part B, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6)(Leader, John) (Entered: 03/06/2012)
03/06/2012	<u>24</u>	MOTION for In Camera Document Inspection by John P Leader. (Attachments: # <u>1</u> Text of Proposed Order)(Leader, John) (Entered: 03/06/2012)
03/19/2012	<u>25</u>	RESPONSE in Opposition re <u>24</u> MOTION for In Camera Document Inspection filed by United States Department of Justice. (Davis, Charles) (Entered: 03/19/2012)
03/20/2012	<u>26</u>	REPLY to Response to Motion re <u>24</u> MOTION for In Camera Document Inspection filed by John P Leader. (Leader, John) (Entered: 03/20/2012)
03/30/2012	<u>27</u>	*AMENDED ORDER per Order (doc. 28) – denying <u>24</u> Motion In Camera Document Inspection. Signed by Judge David C Bury on 3/29/12.(SMBE) Modified on 4/2/2012 (SMBE). (Entered: 03/30/2012)
04/02/2012	<u>28</u>	AMENDED ORDER, denying <u>24</u> MOTION for In Camera Document Inspection filed by John P Leader. Signed by Judge David C Bury on 3/30/12. (SMBE) (Entered: 04/02/2012)
04/06/2012	<u>29</u>	RESPONSE in Opposition re <u>22</u> MOTION for Partial Summary Judgment filed by United States Department of Justice. (Attachments: # <u>1</u> Controverting Statement of Facts)(Davis, Charles) (Entered: 04/06/2012)
04/20/2012	<u>30</u>	STIPULATION to Continue Deadline by John P Leader. (Attachments: # <u>1</u> Text of Proposed Order)(Leader, John) (Entered: 04/20/2012)
04/23/2012	31	ORDER pursuant to <u>30</u> Stipulation to Continue Deadline for Plaintiff to file Reply to May 4, 2012: GRANTED. Signed by Judge David C Bury on 04/23/2012. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (DCB2, ) (Entered: 04/23/2012)
04/26/2012	<u>32</u>	NOTICE re Filing of Defendant's Vaughn Index by United States Department of Justice . (Attachments: # <u>1</u> Exhibit Vaughn Index ("First Supplemental Declaration of James M. Kovakas"))(Davis, Charles) (Entered: 04/26/2012)
05/04/2012	<u>33</u>	REPLY to Response to Motion re <u>22</u> MOTION for Partial Summary Judgment filed by John P Leader. (Leader, John) (Entered: 05/04/2012)
05/18/2012	<u>34</u>	REPLY to Response to Motion re <u>22</u> MOTION for Partial Summary Judgment <i>Reply in Support of Defendant's Cross-Motion for Summary Judgment</i> filed by United States Department of Justice. (Davis, Charles) (Entered: 05/18/2012)
05/24/2012	<u>35</u>	MOTION for Extension of Time Stipulated Motion to Extend Dispositive Motion Deadline by United States Department of Justice. (Attachments: # <u>1</u> Text of Proposed Order)(Davis, Charles) (Entered: 05/24/2012)
05/31/2012	<u>36</u>	ORDER granting <u>35</u> Motion for Extension of Time Stipulated Motion to Extend Dispositive Motion Deadline. Dispositive motions due by 6/15/2012. All other deadlines in this case remain in effect. Signed by Judge David C Bury on 5/31/12. (KAH) (Entered: 05/31/2012)
06/15/2012	<u>37</u>	MOTION for Summary Judgment by United States Department of Justice. (Davis, Charles) (Entered: 06/15/2012)

06/15/2012	<u>38</u>	STATEMENT of Facts in Support of Defendant's Motion for Summary Judgment re <u>37</u> MOTION for Summary Judgment by Defendant United States Department of Justice. (Davis, Charles) (Entered: 06/15/2012)
07/09/2012	<u>39</u>	STIPULATION TO CONTINUE PLAINTIFF'S DEADLINE FOR RESPONDING TO THE DEFENDANT'S SUMMARY JUDGMENT MOTION by John P Leader. (Attachments: # <u>1</u> Proposed Order)(Leader, John) (Entered: 07/09/2012)
07/12/2012	40	*ORDER pursuant to <u>39</u> Stipulation: the Plaintiff's deadline for responding to <u>37</u> the Defendant's Motion for Summary Judgment is granted, with the Response being due by August 15, 2012. Signed by Judge David C Bury on 7/12/12. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (DCB2, ) *Modified on 7/13/2012 to add linkage to motion (CSL). (Entered: 07/12/2012)
08/09/2012	<u>41</u>	ORDER denying <u>22</u> Motion for Partial Summary Judgment and granting <u>29</u> which contains the Government's Cross-motion for Summary Judgment; both with the directive in this Order to Defendants regarding disclosure of purely factual information. Signed by Judge David C Bury on 8/8/12.(SMBE) (Entered: 08/09/2012)
08/15/2012	<u>42</u>	STIPULATION of Dismissal <i>with Prejudice</i> by John P Leader. (Attachments: # <u>1</u> Proposed Order of Dismissal with Prejudice)(Leader, John) (Entered: 08/15/2012)
08/21/2012	<u>43</u>	ORDER granting <u>42</u> Stipulation of Dismissal : This action is dismissed withprejudice, with each party to bear its own fees and costs. Signed by Judge David C Bury on 8/21/12. (SMBE) (Entered: 08/21/2012)